

REMARKS

Paragraph 14 of the specification has been amended to correctly identify the first pressure relief valve 31.

Claims 1 and 10 have been amended to correct informalities noted in antecedents.

In the Office action, claims 1, 3-7, 10 and 12 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hayman 6,601,557 in view of Kopec 6,082,321 and Evans 6,955,045. The rejections are traversed and reconsideration is requested.

Referring first to claim 1, Hayman discloses some of the claimed features as noted in the Office Action. However, Hayman does not disclose a common reservoir as included in an engine oil pump assembly as claimed in claim 1 and as shown in FIGS. 2 and 3 of the drawings. Also not shown in Hayman are first and second pressure relief valves that limit pressure to first and second pump outlets "by discharging excess oil flow to the common reservoir; and the common reservoir connected to supply supplemental inlet oil to the first and second pump mechanisms" all as called for in claim 1 as amended. The foregoing also applies equally to method claim 10.

The "common reservoir" of claims 1 and 10, being part of the pump assembly as pointed out above, is clearly not the same as the engine sump 14 of Kopec nor the reservoir 6 of Evans since neither is a part of their associated oil pumps but are both similar to the unnumbered reservoir or oil pan of FIGS. 2 and 3 of the present application from which the common inlet 22 draws oil into the pump assembly 10. Accordingly, the common reservoir of claims 1 and 10 is a supplemental reservoir in the oil system and internal to the oil pump assembly (see paragraph 12, line 3 of the specification). Thus, the Kopec and Evans references cannot be combined with Hayman to make a combination that includes the features of claim 1. Therefore, claims 1 and 10, and claims 3-7 and 12, which are dependent on claim 1 or 10, are not obvious or unpatentable over the applied art and the rejections thereon should be withdrawn.

In general, except for the engine sump, which is not pertinent, Kopec seems to add nothing to the art that is not covered by Hayman with his check valves that control output pressures by discharging excess outlet oil flow to the engine sump. In Evans, the reservoir 6 is the only source of oil in the system. The variable displacement pump 1 alternatively actuates the wheel motors of the mower and sends return oil to the reservoir 6. Charge pump 5 draws make-up oil from the reservoir and returns it to the system. Only the prior art system, FIG. 1, has a charge relief valve 20 for pressure control. The modified arrangement of FIG. 2 apparently uses restriction of the cooling orifice 22 to pressurize the operating system.

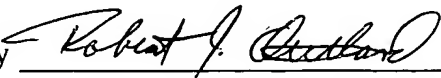
Claims 2 and 11 were rejected as being unpatentable over Hayman, Kopec and Evans further in view of Nikaido 4,538,966. However, these claims are supported by dependency from their parent claims 1 and 10.

Claims 8 and 9 were rejected as being unpatentable over Hayman, Kopec and Evans further in view of Plenzler 6,810,845. However, these claims are also supported by dependency from parent claim 7.

In view of all the foregoing, withdrawal of the rejections of claims 1-12 and reconsideration of the application is respectfully requested.

This amendment is believed to be fully responsive to the issues raised in the Office Action and to place this case in condition for allowance. Favorable action is requested.

Respectfully submitted,

By 
Robert J. Outland, Attorney
Reg. No. 22,197
(313) 885-1500